

STATE OF VERMONT
HUMAN SERVICES BOARD

In re)	Fair Hearing No. 15,570
)	
Appeal of)	

INTRODUCTION

The petitioner, through his wife, appeals a decision of the Department of Social Welfare terminating his eligibility for VHAP and VScript benefits based on excess of income.

FINDINGS OF FACT

1. The petitioner is an elderly disabled man who has been a recipient of both VHAP and VScript benefits for some time. These programs assist him with payments of medications he needs every month.

2. In November of 1997, the petitioner married a woman who is also elderly and on a fixed income. At that time, he and his wife agreed that they would take care of their own expenses and not expect money from each other. In January of this year, the petitioner's wife began living in the same household with him. At that time, the Department requested information on his new wife's income for purposes of determining his continued eligibility for the programs.

3. The Department then recalculated the petitioner's eligibility using his unearned income of \$933.28 per month (\$929.80 in Social Security, \$3.48 from interest income) and added it to his wife's unearned income of \$1241.62 per month (\$903 in Social Security, \$338.62 from a pension) for a

total of \$2,174.90. As the income was completely unearned, it was not subjected to any of the further deductions available for earned income. The amount was compared with the program maximums and it was concluded that the petitioner is over-income for both programs and he was so notified.

4. The petitioner appealed that notice, through his wife, who says that her income should not be included to calculate his eligibility. Her own expenses are too high and she cannot contribute anything to his health care. Neither does she expect anything from him. This and other difficulties may force her to move out of her husband's household.

ORDER

The decision of the Department is affirmed.

REASONS

Both the VHAP (Vermont Health Access Program) and the VScript program require that all Social Security benefits, interest income and pension benefits of the applicant and his spouse be counted in determining income. See W.A.M. §§ 4001.81 (VHAP) and 3201.61 (VScript). Although deductions are available for persons who work under these programs, no deductions are available for persons like the petitioner and his wife who have only unearned income. Neither are there

any deductions for excessive medical expenses.

The calculation performed by the Department in the petitioner's case which found a countable income of \$2174.90 is correct. The regulations cut off eligibility for a two person assistance group in the VScript program at \$1583.00 per month and in the VHAP program at \$1357.00 per month. See Procedures Manual §§ 2420 B (3)A and B. As such, the petitioners were correctly determined to be ineligible and the Department's decision must be upheld. If the petitioner has high medical bills, he is advised to apply for the Medicaid program which does take medical expenses into account in determining eligibility.

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